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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, shower our Senators with Your marvelous grace this day and always. Make them sufficient for these grand and challenging times. Teach them to make the most of their time, for the night comes when no one can work.

Lord, refresh them with Your might so that they will face vicissitudes with an equanimity of temperament and an absolute trust in the power of Your providence. Keep a protective eye on them so that they may dwell in safety.

Today, shine the light of Your presence upon us all, filling us with Your joy.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### FILLING THE SUPREME COURT VACANCY AND COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. McCONNELL. Mr. President, the current Senate Democratic leader once stated that “nowhere in [the Constitution] does it say the Senate has a duty to give presidential nominees a vote.” The incoming Senate Democratic lead-

er, the one we will have next year, did not even wait until the final year of the last President’s term to declare that the Senate should “not confirm a Supreme Court nominee except in extraordinary circumstances.” And we all know what Vice President BIDEN said when he chaired the Judiciary Committee. Here is what he said: “It would be our pragmatic conclusion that once the political season is underway, and it is, action on a Supreme Court nomination must be put off until after the election campaign is over.”

That is the essence of the Biden rule. Yesterday, the chairman of the Judiciary Committee and I personally reiterated to President Obama that we will observe the Biden rule.

The American people deserve to be heard on this matter. That is the fairest and most reasonable approach today. Voters have already begun to choose the next President, who in turn will nominate the next Supreme Court Justice. It is an important decision.

Justice Scalia himself reminded us that setting aside one’s personal views is “one of the primary qualifications for a judge.” His aim was to follow the Constitution wherever it took him, even if he disagreed politically with the outcome. We saw that when he sided with the constitutional right of protestors to burn the American flag. “If you’re going to be a good and faithful judge,” he said, “you have to resign yourself to the fact that you’re not always going to like the conclusions you reach.”

I think Americans agree that judges should be fair, impartial arbiters who apply the law and the Constitution equally to all and as actually written, not as they wish it were. I think most Americans agree a judge should be committed to an evenhanded interpretation of the law and the Constitution so that everyone who walks into a courtroom knows he or she will have a fair shake.

But there is another view of the role of a judge. Under the view promoted by

the current President, the so-called “empathy standard,” judges prioritize their political ideology above the law. The problem with that approach to judging is that empathy is only good in the courtroom if you are lucky enough to be the person the judge actually has empathy for. It is not so good if you are the other guy.

This is something the American people should decide. President Obama still has every right to nominate someone on his way out the door. The Senate also has every right to withhold its consent. That is what the Biden rule reminds us of this election year. We will appropriately revisit the matter after Americans elect their new President.

Now, this is not the only issue we discussed down at the White House yesterday. We also had a constructive discussion about other legislative issues, such as the prescription opioid and heroin epidemic sweeping our country and the important bill we will continue to consider today to help address it.

The Comprehensive Addiction and Recovery Act, or CARA, is bipartisan legislation that targets this crisis at every level. The bill has a host of supporters, including 42 bipartisan cosponsors and more than 130 groups dedicated to combating the epidemic.

And while this is an important authorization bill, I would also note that Congress has already appropriated \$400 million to opioid-specific programs. All \$400 million of those funds still remain available to be spent today. That is right. These funds are still available, and we will have more opportunities to address funding through the appropriations process later this spring.

Michael Botticelli, the Obama administration’s Director of National Drug Control Policy, testified at a hearing just a few months ago and thanked Congress for including funding in the fiscal 2016 spending bill, saying: “We appreciate that Congress provided more than \$400 million in funding in

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the fiscal 2016 appropriations act, specifically to address the opioid epidemic, an increase of more than \$100 million from the previous year."

Botticelli went on to say there is "clear evidence that a comprehensive response," such as that of CARA, is "tremendously important." He said that the provisions in CARA are "critically important to make headway in terms of this epidemic."

Let's not allow this issue to get tangled up in politics. It is really too important to each of our States. Let's do our part today to help those in recovery take their lives back. Let's help keep families together and kids safer and help prevent more Americans from suffering at the hands of addiction.

Let's put politics aside and continue to work to pass the Comprehensive Addiction and Recovery Act, which would be an important step forward in the fight against our national opioid and heroin crisis.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The Democratic leader is recognized.

#### RELATIONSHIPS IN THE SENATE

Mr. REID. Mr. President, people who watch us on television should understand that everything we do is not dour and kind of frowny. There are times, when we are away from the cameras, that we get along well and have a good time.

There is no better example of that than this morning. Every week at 8 o'clock in the morning on Wednesday we meet downstairs for the Senate Prayer Breakfast. I go there as often as I can. It is really very stimulating, and I am always glad I go every time I do go. But today was especially good because AL FRANKEN, the junior Senator from Minnesota, was making the presentation. Even though there is an opening prayer and a closing prayer, there is some talk in between that, and his presentation was terrific. And of course we all know AL FRANKEN, and so a lot of it was funny.

But I just want everyone watching us this morning to know we are not always—I used the word—dour. There are times when we smile and have a good time.

Everyone knows the Presiding Officer and I have total disagreement on policy, but I so admire the Presiding Officer. Without reservation, I can say we are friends—not just political friends, but we are friends. A year ago, when I was injured, because he is an ophthalmologist, he reached out to me and gave me his advice and mostly his concern, for which I am grateful.

I think if we stopped and looked around at each other, we would find many such relationships such as the one with the Presiding Officer and the senior Senator from Nevada, and I appreciate that.

#### FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, we now have a new rule called the Biden rule, which I guess was invented this morning. What happens when my friend the Republican leader, as he did yesterday, talks about what Senator BIDEN has said is that he never completes the little presentation Senator BIDEN made. Senator BIDEN did not say there wouldn't be any nominations. Here is what he said in ending his presentation. At the end of his speech in 1992, Senator BIDEN said:

Compromise is the responsible course both for the White House and for the Senate. If the President consults and cooperates with the Senate or moderates his selections absent consultation, then his nominees may enjoy my support as did Justices Kennedy and Souter.

That is what this is all about. Senator BIDEN never said there wouldn't be any nominations approved, and that was evident in the oval office yesterday. Vice President BIDEN told the story of a Republican President calling him down—he was chairman of the Judiciary Committee—and said: OK, we are having some problems here. I have 10 names on a piece of paper. I want you to look at it and give me your rough estimate. I will not bind you to this, but which of these do you think would work?

These were people that a Republican President presented to the Democratic chair of the Judiciary Committee saying: Give me your impression of these people. So they went over them—yes, yes, yes, no. They had 10 names.

That is the same thing that happened yesterday in the White House. President Obama said: Do you have any names for me? Give them to me. I will be happy to take a look at them.

So there is no Biden rule, unless the Biden rule is that we will continue doing what we have always done here in the Senate. And what is that? We approve in any Presidential election year—in a Presidential election year we always take care of a nomination. We have never in the history of the country not done that, until now.

Now, the other thing is we keep talking about a lot of political things, but we have an obligation based on the Constitution of the United States to do something about these nominations we get from the President. We have a constitutional duty to do our jobs, and that duty is to give advice and consent to the President when he sends a nomination up here, which we will have in a matter of a week or so.

And we do it quickly. We don't spend months and months doing this. The Republicans' unprecedented call to block any nominee is more of the obstruction that we have had here too often. This has never ever been done before.

As for my friend the Republican leader to talk about statements I made and the senior Senator from New York made, of course we made statements. It didn't affect what we did around here.

I hoped people listened. I hoped it slowed down what President Bush was going to do. But the fact is President Bush did what he wanted, and he, in the process, was able to present nominations to us and we looked them over.

Now we have a new standard. We are not going to meet with whomever this person is. We don't know who it is, but we are not going to meet with him. We are not going to hold hearings, and we are not going to vote. That is wrong.

#### REPUBLICAN PARTY

Mr. REID. Mr. President, here is a headline of an article that appeared in the Washington Post: "Trump is the GOP's Frankenstein monster." This was the headline in the Washington Post article authored by Robert Kagan, a former official in the Reagan State Department who is now a senior fellow at the Brookings Institute.

It is true, Donald Trump is the Republican Party's Frankenstein monster. Republicans have spent the last 8 years stoking the fires of resentment and hatred, building Trump piece by piece. Today the Republican establishment acts like it is surprised by Donald Trump's victories around the country. They feign outrage that a demagogue spewing vile xenophobia is somehow winning in a party which spent years telling immigrants they are not welcome in America. They act surprised that Republican voters are flocking to a birther candidate, even as Republican congressional leaders continue to support a man who refuses to distance himself from the Ku Klux Klan.

They express shock and outrage that Republican voters cheer Trump's schoolyard taunts, even as they trounce the most common courtesies extended to every President, even as they deny a fair hearing to a President's Supreme Court nominee for the first time ever—the first time—in history. Republicans shouldn't be surprised. They spent 8 years laying the groundwork for the rise of Donald Trump.

The reality is that Republican leaders are reaping what they have sown. As Mr. Kagan said in his Washington Post opinion piece yesterday, "The party's own political crimes are being punished in a bit of cosmic justice fit for a Greek tragedy."

Seven years ago the Republican leader and his party decided that President Obama was an illegitimate President. They decided his Presidency was unworthy of their basic respect and good-faith efforts. Congressional Republicans decided that whatever policies this President proposed, they would reflexively oppose them—regardless of the merits. Instead, congressional Republicans had only one objective—to keep President Obama from being re-elected.

In order to do that, the Republican leader and his party refused to engage the President or Democrats on policy. No matter how dire the crisis for the